

**WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD
CHARLESTON, WEST VIRGINIA**

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Environmental Quality
Board

REPUBLIC SERVICES/SHORT CREEK LANDFILL,

Appellant,

v.

Appeal No. 25-07-EQB

**DIRECTOR, DIVISION OF WATER AND WASTE MANAGEMENT,
DEPARTMENT OF ENVIRONMENTAL PROTECTION,**

Appellee.

AMG RESOURCES CORP.'S MOTION TO INTERVENE

Now comes AMG Resources Corp. ("AMG"), by counsel David L. Yaussy and Jason Wandling of Spilman Thomas & Battle, PLLC, and respectfully requests that the West Virginia Environmental Quality Board (the "EQB") grant it intervenor status in the above-styled appeal. In support of this Motion, AMG states as follows:

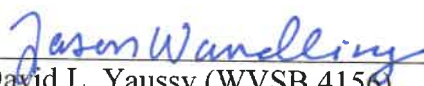
1. On May 30, 2025, the West Virginia Department of Environmental Protection's ("WVDEP") Division of Water and Waste Management ("DWWM") issued a Minor Permit Modification for Disposal of Petroleum-Contaminated Material ("the Permit") to Republic Services' Short Creek Landfill pertaining to auto shredder and nonferrous separation material generated at AMG's metal recycling facility located in Benwood, WV.
2. On June 26, 2025, Appellant Republic Services/Short Creek Landfill ("Appellant" or "Republic") timely filed a Notice of Appeal of the WVDEP DWWM's issuance of the Permit modification.
3. With regard to permissive intervention, in contrast to intervention of right, West Virginia Code § 22B-1-7 supplies the standard: "With the consent of the board and upon such terms and conditions as the board may prescribe, any person affected by the matter pending before

the board may, by petition, intervene as a party appellant or appellee.” W. Va. Code § 22B-1-7(e). The EQB applies this standard broadly. *See e.g. Independent Oil and Gas Ass’n of W. Va., Inc., et al. v. Mandirola and W. Va. Rivers Coalition, et al.*, Appeal No. 15-16-EQB (Final Order, April 26, 2016) (permitting intervention by citizens who allege they were negatively affected by implementation of the Aboveground Storage Tank Act).

4. In this case, AMG supplies Republic Services’ Short Creek Landfill with the auto shredder and nonferrous separation material that is the subject of the Permit and that has long been used at the Short Creek Landfill as alternative daily cover. The Permit acknowledges as much, identifying AMG as the “Generator” on page one. If the agency’s permit modification is upheld, AMG’s disposal costs will significantly increase, thus causing an undue economic hardship on AMG and placing an undue burden on AMG’s metal recycling activities within West Virginia. Accordingly, AMG possesses the requisite interest in this appeal to justify its intervention in this matter.

Wherefore, for the reasons set forth above, AMG respectfully requests that it be granted intervenor status in this matter and that it be made a party to these proceedings with the right to file and receive all pleadings and other documents or filings in this matter.

AMG RESOURCES CORP.,
By counsel



David L. Yaussy (WVSB 4156)
Jason Wandling (WVSB 9259)

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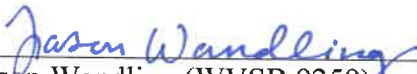
CERTIFICATE OF SERVICE

I, Jason Wandling, certify that I, on July 9, 2025, served the foregoing Motion to Intervene on all parties in the foregoing appeal, by U.S. Mail, postage prepaid, as follows:

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